

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL ANTHONY, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

CASE NO. 8:23-cv-788-WFJ-SPF

ZAGE GROUP, LLC; DOUGLAS
R. GOODMAN; and DORIS
GOODMAN,

Defendants.

_____ /

ORDER

This cause comes before the Court upon Plaintiff's Motion to Compel Responses to Plaintiff's Class Certification and Damages Discovery (Doc. 21). Defendants have not appeared in this litigation, despite being properly served (Docs. 11–13). As a result, Plaintiff moved for entry of a Clerk's default, and the Clerk entered defaults against Defendants on May 15, 2023 (Docs. 15–17). Plaintiff then moved for leave of court to conduct discovery on the issues of class certification and damages prior to seeking a final default judgment (Doc. 18), which this Court granted (Doc. 19). Now, Plaintiff moves for an order compelling Defendants to respond to Plaintiff's discovery requests (Doc. 21).

Defendants have not responded to the motion and the time to do so has expired.¹ *See* L.R. 3.01(c), M.D. Fla. (party opposing motion must file response in opposition within 14 days after service). Therefore, the motion is deemed unopposed. *See Legends Collision Ctr., LLC v. State Farm Mut. Auto. Ins. Co.*, No. 6:14-cv-6006-ORL-31TBS, 2016 WL 3406409, at

¹ Plaintiff represents that he mailed copies of the motion to Defendants (Doc. 21 at 3).

*1 (M.D. Fla. June 21, 2016) (stating that a party's failure to respond to a motion indicates the motion is unopposed); L.R. 3.01(c), M.D. Fla. ("If a party fails to timely respond to a motion, the motion is subject to treatment as unopposed.").

Accordingly, it is hereby

ORDERED:

Plaintiff's Motion to Compel Responses to Plaintiff's Class Certification and Damages Discovery (Doc. 21) is **GRANTED**. Defendants shall serve Plaintiff with the requested discovery responses within 14 days of the date of this Order.

ORDERED in Tampa, Florida, on October 19, 2023.



SEAN P. FLYNN
UNITED STATES MAGISTRATE JUDGE